

Amendment No. 1 to SB0724

Harper
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 724*

House Bill No. 1188

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section at the end thereof:

29-13-__

(a) For purposes of this section, "forensic medical examination" means an examination provided to a victim of a sexually-oriented crime by any health care provider who gathers evidence of a sexual assault in a manner suitable for use in a court of law.

(b) A victim of a sexually-oriented crime, defined as a violation of §§ 39-13-502 – 39-13-506, 39-13-522, 39-13-531, 39-13-532, and 39-13-527, shall be entitled to forensic medical examinations without charge to the victim. No bill for such examination shall be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. All claims for forensic medical examinations are eligible for payment from the criminal injuries compensation fund, created under § 40-24-107. Notwithstanding any provision of this part to the contrary, such victims shall not be required to report the incident to law enforcement officers or to cooperate in the prosecution of the crime in order to be eligible for payment of forensic medical examinations.

(c) A claim for compensation under this section shall be filed not later than one (1) year after the date of the examination by the health care provider that performed the examination, including a hospital, physician, SANE program, Child Advocacy Center, or other medical facility. Such claim shall be filed with the division, in person or by mail. The division is authorized to prescribe and distribute forms for the filing of claims for such compensation. The claim shall set

forth the name and address of the victim, and any other information required by the division in order to satisfy federal regulations issued under the Victims of Crime Act of 1984. The claim shall be accompanied by an itemized copy of the bill from the health care provider that conducted the examination. The bill shall, at a minimum, set forth the name of the victim, the date the examination was performed, the amount of the bill, the amount of any payments made on the bill, and the name and address of the health care provider that performed the examination.

(d) The amount of compensation that may be awarded under this section shall not exceed seven hundred fifty dollars (\$750), and shall constitute full compensation to the health care provider that provided the service. No provider receiving compensation pursuant to this section shall bill the victim for any additional cost related to the forensic medical examination. The compensation shall be made pursuant to this subsection no later than ninety (90) days after receiving the documentation required under subsection (c) above.

(e) Payment under this part does not prohibit the victim from receiving other payments for which the victim may be eligible under this section or any other provision of law.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it and shall apply to the specified sexually-oriented crimes committed on or after July 1, 2007.